United Nations A/HRC/WG.6/22/MDV/3

General Assembly

Distr.: General
2 March 2015

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-second session
4–15 May 2015

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Maldives*

The present report is a summary of 15[1] stakeholders' submissions to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

GE.15-03879 (E)
1503879

Please recycle

Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. Amnesty International (AI) reported that the Maldives had taken steps to implement some recommendations made during its previous UPR,[3] which included accession to the Rome Statute of the International Criminal Court.[4]

2. Transparency Maldives (TM) referred to positive actions taken by the Government to implement UPR recommendations,[5] including the ratification of ILO fundamental conventions and recommended that Maldives bring its domestic law in line with international human rights commitments.[6] TM appreciated the Government for voicing its commitment to accede to ICRMW[7] and Joint Submission 1 (JS1) recommended that Maldives not delay any further the ratification of ICRMW.[8]

3. Commonwealth Human Rights Initiative (CHRI) recommended that the Government work towards ratifying ICCPR OP-2 and abolishing the death penalty.[9]

4. Maldivian Democracy Network (MDN) recommended that the Maldives immediately accede to ICPPED.[10]

5. Referring to Maldives' voluntary commitment in its candidature for election to the Human Rights Council,[11] Advocating the Rights of Children (ARC) recommended that the Government promptly ratify OP-CRC-IC and Palermo Protocol.[12]

6. Welcoming as a positive development that Maldives partially accepted recommendations to withdraw its reservation to article 21 of the CRC,[13] ARC recommended that the reservation made to that Article be reviewed with a view to withdrawing or limiting it.[14]

7. According to JS4, Maldives continued to retain reservations to Article 16 of CEDAW, despite having partially accepted the recommendations[15] to lift the reservations during the first UPR cycle in 2011.[16] Human Rights Commission of the Maldives (HRCM) recommended that Maldives remove the reservations to Article 16.[17]

2. Constitutional and legislative framework

8. Regarding the review period, ARC pointed out that within the space of three years, three different governments came to power with varying levels of consideration being given to Maldives' human rights obligations.[18]

9. Noting the announced "legislative agenda 2014-2018" in 2013, TM called upon Maldives to speedily assess reforms of existing legislation, and ensure that any new legislation contained within the agenda are fully compliant with international human rights commitments.[19]

10. ARC reported that while the new Penal Code, which would come into effect in 2015, was a remarkable improvement on its predecessor, some provisions in the Code fell short of Maldives' international commitments. For example, minors could still be sentenced to death.[20]

11. HRCM recommended that Maldives enact the evidence bill, witness protection bill, criminal procedure code and the juvenile justice bill;[21] and enact important laws leaving no room for inconsistencies in judicial decision-making.[22]

3. Institutional and human rights infrastructure and policy measures

12. AI reported that following the publication, in September 2014, of the HRCM submission for the upcoming UPR of Maldives, the Supreme Court summoned the HRCM.[23] AI recommended that Maldives guarantee the independence of the HRCM to carry out its work free from political interference or any intimidation by the authorities.[24]

B. Cooperation with human rights mechanisms

13. According to International Service for Human Rights (ISHR), the Ministry of Foreign Affairs set up a coordinating committee during the first cycle of the UPR to ensure the involvement of civil society. However, only one meeting had been held after the UPR Working Group in November 2011.[25] AI recommended that Maldives ensure that relevant stakeholders can participate freely in the UPR process.[26]

Cooperation with special procedures

14. Noting that two country visits had been undertaken since the last UPR,[27] CHRI recommended that the Government implement the recommendations of the Special Rapporteurs on the human rights of Internally Displaced Persons and on independence of judges and lawyers.[28]

15. With a view to addressing on-going challenges on the ground, ISHR recommended that Maldives extend invitations to particular Special Rapporteurs, including on freedom of expression.[29]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

16. Consistent with recommendations made during the previous review,[30] JS4 reported on an important development with the preparation of the draft gender equality law. The bill seeks to increase compliance of domestic legislation with CEDAW, is supportive of temporary special measures to increase women's participation in all areas. However, a gender equality policy had yet to be determined. Gender mainstreaming had been a policy strategy in the past, although its current status was unclear. JS4 recommended that Maldives expedite the process to pass the draft gender equality law and establish clear policies on gender equality with a focus on gender mainstreaming.[31]

17. JS4 reported that women's participation in the media was significant although women were largely absent in leadership positions.[32] JS4 made recommendations to address concerns regarding the stereotyping of women in the media, with victim-blaming a worrying trend, and lack of a regulatory framework to monitor dissemination of such content.[33]

18. HRCM stated that conservative beliefs promoting women as inferior to men were being spread at an alarming level. HRCM referred to reports of unregistered marriages encouraged by some religious scholars claiming that registering marriages with the Courts were un-Islamic and unnecessary. State institutions acknowledged this information and raised concerns that children born to such marriages could face serious legal issues. Similarly, women in such marriages were bound to face social and legal consequences.[34] JS1 made recommendations to address those issues, including that the Government, in public consultation and in collaboration with civil society, conduct a full review of the

Family Law,[35] according to which girls and women were subject to the will of their paternal guardians.[36]

19. HRCM indicated that children born out of wedlock faced discrimination and as paternity testing was not admissible evidence in court such children would be denied father's name, inheritance and child maintenance.[37]

20. AI stated that the Constitution required Maldivian citizens to be Muslims and blocked right to citizenship for Maldivians who professed no belief or adhered to other religious beliefs. The Constitution sanctioned further discrimination against branches of Islam by stipulating that only "a Muslim and a follower of a Sunni school of Islam" can be the president, a cabinet minister, a judge or a member of parliament.[38] AI recommended that Maldives: withdraw the reservation to Article 18 of ICCPR; remove provisions in national legislation that restrict freedom of thought, conscience and religion, including Article 9.d of the Constitution, which bar non-Muslims from being Maldivian citizens.[39]

2. Right to life, liberty and security of the person

21. AI indicated that Maldives had only accepted to commit to maintaining a moratorium on the death penalty[40] and that limited commitment now appeared to be jeopardized.[41] Child Rights International Network (CRIN) reported that the new Penal Code adopted in 2014 still allowed for children to be sentenced to death for certain crimes.[42] CHRI referred to new regulations adopted in 2014 on Investigation and Execution of Sentence for Wilful Murder.[43] According to JS1, the regulation stated that the convicted may be executed by lethal injection provided that the Supreme Court upheld the death sentence, and all heirs of the victim desired *qisaas*.[44] CHRI reported that an amendment to the Clemency Act had removed the Presidential power to commute death sentences to life in prison.[45] Reporting that the State had yet to establish an independent forensic institution to provide accurate information to make an impartial decision on matters concerning administration of death penalty, HRCM recommended that Maldives establish such an institution and abolish the death penalty for minors.[46] JS1 recommended that Maldives revoke the Regulation on the Implementation of the Death Penalty and revert to the long-held moratorium on the death sentence in Maldives.[47]

22. HRCM stated that 21 murder cases were recorded since 2010, most of which were gang-related and referred to a study alleging that gang-related violence was mainly linked to politicians or business persons who paid gangs to carry out violent acts. HRCM recommended that Maldives take immediate action to eliminate gang-related violence; and develop long-term plans to ensure the security of persons.[48]

23. CHRI noted that in 2014, the landmark Anti-Torture Act came into force, and that since the last UPR, the Prisons and Parole Act had become operational, setting out inmates' rights and providing for a prison regulatory body to oversee prison administration and discipline and facilitate a complaints mechanism.[49]

24. JS1 was gravely concerned that reports of torture in prisons and detention centres had begun to increase.[50] HRCM reported that a total of 304 torture allegations had been lodged at HRCM, of which 74 had been investigated from 2010 to July 2014. However, none of those cases were sent to prosecution due to lack of sufficient evidence.[51]

25. AI referred to the alleged violent campaign of police officers against the Maldivian Democratic Party members during the period when former President Nasheed resigned in controversial circumstances in 2012.[52] JS1 recommended that the Government fully comply with recommendations made by the Police Integrity Commission and the HRCM with regard to the actions of the police on 6-8 February 2012.[53] JS5 also reported that excessive force was used against demonstrators during the electoral crisis of 2013.[54]

26. AI reported that Maldives had failed to implement the accepted recommendations from a number of States to abolish flogging or to introduce a moratorium on flogging.[55] In only one case, that of a 15-year-old girl, did the Government mount a strong appeal to the High Court against a flogging sentence, which led to her acquittal.[56] JS1 noted that women continued disproportionately to receive flogging sentences.[57] JS4 referred to data from the Criminal Court that between 2005 and 2011, in 85 percent of cases, *hadd* punishment for adultery affected women.[58] JS1 and AI indicated that the punishment was often meted out on the basis of confessions, and women confessed more than men.[59] AI recommended that Maldives impose an immediate moratorium on flogging, with a view of abolishing it in law; and commute all sentences of flogging.[60]

27. Global Initiative to End All Corporal Punishment of Children urged Maldives to use the opportunities presented by current law reforms, including the children's bill, to prohibit all forms of corporal punishment in all settings, including the home and as a criminal sentence.[61]

28. HRCM indicated that in the State's only psychiatric institution, despite recommendations for change, geriatric patients, and patients enduring mental illnesses and persons with disabilities were accommodated without proper categorization.[62]

29. HRCM reported that inappropriate disciplinary measures against children persisted in most institutions sheltering juveniles.[63] ARC recommended that Maldives promptly approve and implement the National Minimum Standard Guidelines and Standard Operational Procedures for children's shelters to ensure that decisions are based on the best interests of the children.[64]

30. JS4 reported that the ratification of the Domestic Violence Prevention Act in 2012 criminalising domestic violence was a historic development for women's rights.[65] JS1 reported that victims and survivors of domestic violence systematically failed to get justice because the judicial system favoured confessional rather than forensic evidence.[66] HRCM also reported that lack of sensitivity among law enforcement and judiciary towards domestic violence (DV) were fundamental issues faced in implementing the DV Act.[67] JS4 recommended that Maldives: expedite establishing effective and functional women's shelters for victims of gender based violence, including DV; and establish an effective legal aid mechanism to support victims of gender based violence, including DV.[68]

31. HRCM reported that violence against children took place in all settings. Only a small proportion of reported child abuse victims get justice due to systemic failures and challenges, including delays in obtaining evidence.[69] CHRI alleged that survivors of sexual abuse, accused of fornication (a *Hadd* offence), were sentenced to flogging.[70] MDN referred to reports of increasing: numbers of child marriages, refusal by parents to immunise children, female genital mutilation (FGM), and the growing number of girls being withdrawn from schools.[71] JS1 expressed particular concern that FGM was encouraged and promoted in a statement of the Vice-President of the Fiqh Academy.[72]

32. ARC recommended that the Maldives: complete the enactment of the draft child protection act in line with CRC, by including provisions to counter child, early and forced marriage;[73] and repeal Article 14 of the Child Sex Abuse Offenders (Special Provisions) Act, which allegedly perpetuated and exacerbated child, early and forced marriage.[74]

33. ARC commended Maldives for adopting the Prevention of Human Trafficking Act 2013 and recommended its full implementation through guidelines and procedures required by the Act to identify child victims of trafficking and to provide humanitarian and legal assistance to potential child victims.[75] Related recommendations were made by HRCM.[76]

3. Administration of justice, including impunity, and the rule of law

34. Issues relating to the administration of justice were raised in about nine submissions.[77]

35. AI stated that most judges were appointees of a former president and head of the judiciary, who held considerable power during his 30-year rule that ended in 2008. All judges serving on 7 August 2008, when the new Constitution came into force, were to be evaluated by the Judicial Service Commission (JSC) within two years and reappointed "in accordance with law". However, before such a law was passed, the JSC had drawn up its own regulations which enabled it to reappoint all judges without seriously scrutinizing their qualifications.[78]

36. AI reported that since the last UPR, the government had taken no visible action to ensure that standards of judicial independence and impartiality were upheld and monitored. For instance, there had been no action to strengthen the impartiality of the JSC.[79] JS1 recommended that the Government and Parliament expedite all necessary actions in order to fully implement Article 285 of the Constitution, amend the criterion for appointment of judges according to Article 149 of the Constitution, and hold accountable those in charge of conducting discipline of judges, namely the JSC.[80]

37. TM reported that in February 2014, the Supreme Court instigated a contempt of court charge under its new *Suo Motu* regulation (court acts on its own initiative) against the Elections Commission members. In March 2014, the Supreme Court ruled to remove the Elections Commission President and Vice President from the Elections Commission. Their expulsion was reportedly contrary to the Constitutional provisions on dismissal of Elections Commission members. The ruling might derail constitutionally-guaranteed fundamental human rights protections such as the right to appeal. The larger implications of the Court's interpretations of contempt of court without strong procedures in place was that severe restrictions were placed on constitutionally guaranteed freedoms and violated principles of separation of powers and upholding the autonomy of independent commissions.[81] TM recommended that Maldives: amend the *Suo Motu* regulation to ensure it does not violate fundamental rights principles; and refrain from misconstruing principles of judicial independence and ensure the principle of separation of powers is fully respected.[82]

38. Regarding the lack of tolerance to criticism of the judiciary, ISHR reported that in January 2014, a prominent lawyer was found to be in contempt of court and suspended from all courts. He had allegedly questioned the Supreme Court verdict that invalidated the first round of results of the presidential election, stating that it was unconstitutional.[83] ISHR and JS1 reported that the Supreme Court adopted new regulations criminalizing contempt of court in July 2014.[84]

39. TM pointed out that during the review period, the executive interfered with judicial independence on a number of occasions, including the locking of the Supreme Court premises, the arrest of the chief judge of the criminal court in 2012, and the irregular conduct of the trial of President Nasheed in 2012.[85]

40. MDN reported that the Registrar of NGOs announced the dissolution of the Bar Association of Maldives (a private initiative by local lawyers due to the absence of a statutory lawyers' regulatory body) following a ruling by the Supreme Court.[86]

41. AI reported that most judges had no formal training in law,[87] yet exercised considerable discretion – often based on their own interpretation of Islamic law – in determining both the offence and its appropriate punishment.[88]

42. CRIN recommended that Maldives: explicitly prohibit and enforce prohibitions on capital punishment, life imprisonment and corporal punishment for persons under 18 years of age, under all systems of justice and without exception to ensure full compliance with

international standards; and provide disaggregated data about sentences handed down to children by offence committed and date, as well as information about children in detention, including gender, age and length of time spent in pre-trial detention in each case.[89]

4. Right to privacy

43. While noting that Maldives rejected all previous UPR recommendations related to sexual orientation and gender identity,[90] CHRI made recommendations, including that the Government work towards de-criminalising same-sex sexual conduct by initially establishing a moratorium on prosecutions.[91]

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

44. AI alleged that with the emergence of vigilante religious groups that created and executed their own laws and the government's persistent failure to bring them to justice, the protection of the rights to freedom of thought, conscience and religion and freedom of expression was worse than at the time of the previous UPR.[92]

45. Referring to allegations that supporters of religious tolerance were attacked ISHR reported that in October 2012, Maldivian MP, Dr. Afrasheem Ali, an Islamic moderate and advocate for certain rights within Islam, was stabbed to death outside his home.[93] According to European Centre for Law and Justice (ECLJ), in November 2011, the Ministry of Islamic Affairs banned a controversial blog written by a freelance journalist and religious freedom campaigner,[94] who, JS5 noted, was stabbed several months later.[95] According to AI, those attacks took a new form in June 2014 when a vigilante religious group kidnapped several young men for hours, ill-treated them and warned them not to promote "atheism". None of the kidnappers had been brought to justice, even though the identities of some of them were allegedly known to the victims.[96]

46. JS3 reported on the disappearance in August 2014 of Ahmed Rilwan.[97] AI noted that he was a well-known journalist with Minivan News who had allegedly been investigating the activities of vigilante religious groups.[98] AI recommended that Maldives investigate thoroughly the possible abduction or enforced disappearance of Rilwan and bring to justice those responsible in a fair trial.[99] MDN additionally recommended that the Government disclose to the UN Human Rights Council, in confidence if necessary, the status of the search for the disappeared journalist, Rilwan.[100]

47. ECLJ and MDN reported on the Religious Unity Act which regulated Islamic preaching and practices.[101] Furthermore, MDN alleged that the Minister of Islamic Affairs had acknowledged extremism in the Maldives around mid-2012, although no action was taken on the issue.[102] ECLJ also reported that intolerance towards other religions had been manifested via attacks on cultural symbols in Maldives. In 2011, monuments given to the Maldives by the South Asian Association for Regional Cooperation were damaged because they allegedly depicted "anti-Islam" objects of worship. In 2012, artefacts in the National Museum were vandalized, reportedly leading to the destruction of "99 percent" of Maldives' pre-Islamic history".[103]

48. JS3 reported that the situation with regard to press freedom and protection of freedom of expression and journalists in Maldives had sharply deteriorated between 2010 and 2014.[104] JS5 referred to a report by the Maldives Broadcasting Commission released in May 2014 in which 84 percent of journalists interviewed stated that they had been threatened in person, via telephone calls and on social media between 2011 and 2013. Journalists reportedly said that those threats primarily came from political parties, gangs and religious extremists. 43 percent of the journalists did not report those threats to the

police. Journalists said that those threats made them reluctant to report on sensitive matters.[105]

49. JS5 reported that in July 2012, there was a spate of attacks on journalists that were covering protests. They were attacked by both the police and the protesters, resulting in several journalists being injured. JS5 reported that, on 22 February 2013, two senior female members of the Maldives Broadcasting Commission were attacked with corrosive fluid.[106] JS3 reported on a second attack on 22 February 2013, when Head of News at Raajje TV was brutally attacked with an iron rod,[107] and MDN alleged that the incident took place days after he reported on judicial corruption.[108]

50. JS5 reported that, on 30 January 2012, the office of DhiTV was attacked with bricks after broadcasting anti-government protests.[109] JS3 stated that Television Maldives (TVM) was physically attacked on 7 Feb 2012 by the security forces and then opposition politicians and activists. That attack had not been investigated to date.[110] JS3 reported that Villa TV was also attacked in March 2012. Those incidents were investigated and those responsible prosecuted.[111] CHRI stated that the station of Raajje was the target of an arson attack, in October 2013.[112] JS3 reported that, while CCTV footage showed the attackers, the investigation was not yet completed and no one had been prosecuted for the attack.[113] According to JS5, the Supreme Court, on 19 October 2013 mere days after the arson attack, ordered a police investigation into Raajje TV's CEO and head of the news department for reporting on an alleged sex scandal involving a judge.[114]

51. According to JS3, the Parliamentary Privileges Act threatened press freedom and posed serious challenges for free and independent journalism.[115] HRCM explained that the Act could be used to force journalists to reveal their source.[116] JS5 recommended that sections 17(a) and 18(b) of the Parliamentary Privileges Act be repealed.[117]

52. According to TM, another restriction on freedom of expression was the promulgation in September 2014 of the regulation prohibiting the publishing of literary works without the prior approval of the State and putting in place a bureaucratic censorship regime. TM recommended that Maldives immediately remove restrictions on media freedom and freedom of expression by repealing problematic provisions and amending the recent regulation on publication of literature in conformity with the Constitution and international norms.[118]

53. With reference to UPR recommendations on freedom of the media and expression,[119] TM welcomed the State's ratification of the domestic Right to Information Act in 2014 as a positive contribution to good governance and reiterated the importance of the expedient implementation of its provisions.[120] ISHR also reported that, under the Act, an 'independent' Commissioner of Information was appointed by the President and endorsed by Parliament in July 2014. The Act provided for whistle-blowing protection, aimed at enhancing access to information for the public and media.[121]

54. JS3 stated that the Supreme Court Regulations on Contempt of Court prevented media from reporting on Courts, and Court cases, as any reporting could be deemed to be in contempt of Court; and that some reporters remained charged with contempt of Court for reporting.[122]

55. While the recently endorsed Freedom of Peaceful Assembly Act encompassed positive developments, HRCM reported that it also raised concerns including over the requirement to accredit reporters.[123] According to MDN, the Act gave wide discretionary powers to the police in dispersing assemblies and protecting participants in assemblies.[124] CHRI reported that the Act outlawed gatherings outside the private residences of the President and Vice-President, certain government buildings, tourist resorts, ports and airports without prior approval of the police.[125] JS5 recommended that: the Act be repealed; best practices forwarded by the Special Rapporteur on the right to peaceful assembly be

adopted, which call for notification rather than permission to assemble; the use of excessive force in the dispersal of protests be publicly condemned and a formal investigation into such instances launched; and security forces in charge of crowd control be equipped with non-lethal weapons and provided training on humane means of crowd control and on the UN Basic Principles on the Use of Force and Firearms.[126]

56. HRCM reported that some NGOs advocating for human rights and democracy had been subjected to intimidation by state actors.[127] In its analysis of the 2003 Associations Act, JS5 pointed out that Articles 29 and 32 of the Act had the potential to be abused to punitively close civil society organizations. In 2013, for example, the then Minister for Home Affairs, who was also the NGO Registrar, announced his intention to close over 70 percent of legally registered NGOs for allegedly failing to adhere to reporting requirements provided in Article 29 of the Act.[128] JS5 and MDN reported on alleged threats of deregistration against specific organizations.[129] MDN further reported that the Ministry of Home Affairs announced in July 2014 that registration of NGOs that held the name "Maldives" would be rejected.[130] JS5 recommended that Maldives establish an independent impartial body with procedural safeguards to oversee the registration of CSOs and that the NGO registrar should not be a presidential appointee in order to protect the independence of the process.[131]

57. HRCM recommended that Maldives take measures to address the issue of threats and intimidation directed to parliamentarians, journalists or civil society activists to ensure their safety.[132]

58. JS5 noted that, in August 2014, the Attorney General stated that the Maldives was considering reforming the Associations Act.[133] TM stated that Maldives' acknowledged that the existing legal framework was limiting freedom of association and was not in line with international standards, and needed to be revised in order to align it with the 2008 Constitution to create a conducive environment for establishing a vibrant civil society. TM recommended that Maldives expedite the amendment of legislation to decriminalize unregistered and informal associations.[134]

59. JS1 reported that the international community observing elections in 2013 raised concerns on the conduct of the Supreme Court and the politicisation of the courts.[135] TM recommended that Maldives: remove limitations and ambiguity in legislation on minimal requirements to form and sustain political parties to bring it in line with international norms; address and resolve legal discrepancies and inconsistencies between the guidelines issued by the Supreme Court, and other related legal framework supporting elections; and secure the independence of the Elections Commission from state interference.[136]

60. JS4 reported that despite accepting recommendations to increase women's representation in public life,[137] no significant improvement had occurred since 2010.[138] JS1 reported that the Elections Commission was an all-male body and about the recently announced all-male Sports Commission.[139] JS4 noted that among the 185 sitting judges in the country, only 9 are women.[140] JS4 highlighted the positive example of the national banking regulator's current gender-balanced Board and its 2014 policy to increase maternity leave for female employees to 6 months, an initiative that had no precedent.[141]

61. JS4 made detailed recommendations on the introduction of legislative quotas for women's representation, such as amending the Decentralisation Act 2010 to include a 30 percent quota for women for local council seats.[142]

6. Right to work and to just and favourable conditions of work

62. HRCM reported that lack of transparency in distribution of service charge was a major reason for strike in tourism industry while not receiving full payment of overtime pay

was a grave concern raised by Teachers' Association. HRCM recommended that Maldives enact a law on industrial relations.[143]

63. HRCM stated that there was an alarming rise in unemployment especially among youth and women. Sexual harassment at the workplace remained a daunting reality. The bulk of complaints received by state institutions related to unfair dismissal, wage claims, breach of contract and violation of employment rights of migrant workers. The monitoring efforts of Government were hindered due to budgetary constraints. HRCM recommended that Maldives strengthen measures to ensure implementation of Employment Act.[144]

7. Right to social security and to an adequate standard of living

64. Reporting that the non-existence of minimum wage had a detrimental effect for employees working in the private sector, especially migrant workers, HRCM recommended that Maldives establish a minimum wage and unemployment benefit.[145]

8. Right to health

65. JS4 noted that MDG5-B on universal access to reproductive health was not achieved.[146] JS1 stated that access to reproductive health care remained an issue for unmarried women due to criminalization of giving birth outside of wedlock and reporting by health caregivers, leading to illegal and unsafe abortion practices.[147] HRCM also referred to frequent media reports about infanticide and abandonment of infants.[148] JS4 recommended that Maldives establish and strengthen public health facilities to provide community-based, accessible, professional and confidential sexual and reproductive health information, education and services for young people, prioritising communities in the atolls and younger adolescents; and revise the core school curriculum to significantly increase and improve age-appropriate adolescent sexual and reproductive health education.[149]

66. HRCM reported that drug abuse remained a serious concern. There were no drug treatment services available during the period of remand and detention. There was no screening system for HIV/AIDS and STIs in the prison systems. HRCM recommended that Maldives: formulate an action plan to fully implement Drug Act and accelerate measures to expand the accessibility and availability of drug treatment; and take necessary actions to address HIV/AIDS related human rights issues, including prevention for high risk groups.[150]

9. Right to education

67. HRCM reported that there were disparities in availability of educational services and opportunities for vocational training remained low. An effective system to improve teachers' performance needed to be in place. Many schools neglected to provide additional support for low performers. Lack of financial support to pursue higher education was a challenge. Right to education was not provided for children in conflict with the law, in pre-trial detention and in prison. HRCM recommended that Maldives enact the Education bill; eradicate disparities in educational services; and progressively improve the quality of education.[151]

10. Persons with disabilities

68. HRCM reported that disability rights were not mainstreamed into Government policies and action plans. Many public buildings, including HRCM were not accessible for persons with disabilities[152] and made recommendations.[153] Noting the Maldives' commitments to improve the situation of persons with disabilities,[154] JS2 raised many concerns and made many recommendations,[155] including revision of the 2010 Disabilities Act for the strengthening of the independence, budget and other functions of the Disability

Council.[156] JS2 reported that specific areas in dire need of capacity building included: teachers specially trained for inclusive education and special education needs classes; therapists who provide treatments that are relevant for persons with disabilities; and early detection and intervention. JS2 stated that international cooperation would be of vital assistance in three areas which had the potential for improvement in a relatively short period: access to education, access to health services and mainstreaming of the disability policy.[157]

11 Migrants, refugees and asylum seekers

69. JS1 reported that an estimated 200,000 migrant workers lived in Maldives, 40,000 of whom were undocumented.[158] HRCM stated that there were countless reports of exploitation of migrant workers.[159] JS1 recommended that the Government make an inventory of the human rights situation of all migrant workers through a comprehensive study.[160] TM recommended that Maldives strengthen mechanisms for handling labour related complaints to make it more accessible to migrant workers.[161]

12. Internally displaced persons

70. Reporting that, since the 2004 Tsunami, 252 persons still lived as internally displaced persons (IDPs) on 6 islands, HRCM recommended that the Maldives expedite provision of permanent housing for all IDPs.[162]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
ARC	Advocating the Rights of Children, Male', Maldives;
CHRI	Commonwealth Human Rights Initiative, New Delhi, India;
CRIN	The Child Rights International Network, London, United Kingdom;
ECLJ	European Centre for Law and Justice, Strasbourg, France;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
ISHR	International Service for Human Rights, Geneva, Switzerland;
MDN	Maldivian Democracy Network, Male', Maldives;
TM	Transparency Maldives, Male', Maldives.

Joint submissions:

JS1	Joint submission 1 submitted by: Maldivian Democracy Network, Voice of Women, Dhi Youth Movement, Male', Maldives;
JS2	Joint submission 2 submitted by: Child Advocacy Network of Disability Organizations (CAN DO), Male', Maldives;
JS3	Joint submission 3 submitted by: Minivan News and Minivan Radio, Male', Maldives;
JS4	Joint submission 4 submitted by: the Sexual Rights Initiative (SRI), Ottawa, Canada (The members of the Sexual Rights Initiative coalition are: Action Canada for Population and Development (ACPD) (in consultative status with ECOSOC),Akahatá – Equipo de Trabajo en Sexualidades y Géneros, Coalition of African Lesbians (CAL), Creating Resources for Empowerment in Action (CREA; India), Federation for Women and Family Planning (Poland) (in consultative status with ECOSOC), Egyptian Initiative for Personal Rights (EIPR), Society for Health Education;
JS5	Joint submission 5 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); and Voice of Women, Male', Maldives.

National Human Rights Institutions:

HRCM	Human Rights Commission Maldives.

[2] The following abbreviations may have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;

OP-CRC-IC	Optional Protocol to CRC on a communications procedure.
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
CRPD	Convention on the Rights of Persons with Disabilities.
OP-CRPD	Optional Protocol to CRPD.
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For the full text of the recommendations, see A/HRC/16/7, paras. 100.11 (Ecuador), 100.12 (Slovenia) and 100.13 (Austria).
[4] AI, p.1.
[5] For the full text of the recommendations, see A/HRC/16/7, paras. 100.10 (Brazil).
[6] TM, paras. 32 and 34.
[7] TM, para. 32.
[8] JS1, recommendation c, p.6.
[9] CHRI, section B, recommendation 2.
[10] MDN, recommendation b, p.3.
[11] For the full text of the commitments, see A/68/359, pp.4-5.
[12] ARC, recommendations, para. 4, p.1 and para.13, p.3.
[13] For the full text of the recommendations, see A/HRC/16/7, paras. 100.15 (Slovenia), 100.16 (State of Palestine), 100.17 (Brazil), 100.19 (Slovakia), 100.21 (Spain).
[14] ARC, recommendation, para. 5, p.2.
[15] For the full text of the recommendations, see A/HRC/16/7, paras. 100.15 (Slovenia), 100.16 (State of Palestine), 100.17 (Brazil), 100.20 (Canada), 100.21 (Spain).
[16] JS1, para. 1a, p.2.
[17] HRCM, recommendation , paras. 20-22, p.5.
[18] ARC, para. 3.
[19] TM, recommendation, para. 6.
[20] ARC, para. 9.
[21] HRCM, recommendation, para. 19, p.5.
[22] HRCM, recommendation, para. 8, p.3.
[23] AI, p.2.
[24] AI, recommendation, p. 4.
[25] ISHR, part 5.
[26] AI, recommendation, p. 4.
[27] CHRI, para. 4. See also CHRI, paras. 5 and 6.
[28] CHRI, recommendation 1, part A. See also, HRCM, section on Access to justice, recommendation p.3 and TM, para. 41.
[29] ISHR, recommendations, part 6.
[30] For the full text of the recommendations, see A/HRC/16/7, paras. 100.27 (Hungary) and 100.28 (Norway).
[31] JS4, section 1, part c and recommendation 3, p.2.
[32] JS4, executive summary, p.1.
[33] JS4, part 4, paras. a and b and recommendations 1-3, pp. 5-6.
[34] HRCM, para. 25.
[35] JS1, para. 44 and recommendation g, p.11. See also, recommendations, e, f and h.
[36] JS1, para. 37.
[37] HRCM, para. 17.
[38] AI, p.3.
[39] AI, recommendations, p.5.
[40] See A/HRC/16/7/Add.1, para. 100.56.
[41] AI, p.1.
[42] CRIN, para. 2.
[43] CHRI, para. 9.
[44] JS1, para. 9.
[45] CHRI, para. 9.
[46] HRCM, para. 19 and recommendation, p.5.

[47] JS1, recommendation a, p.5.
[48] HRCM, para. 1 and recommendation p.2. See also, HRCM, para. 18.
[49] CHRI, paras. 13-14.
[50] JS1, para. 53.
[51] HRCM, para. 4.
[52] AI, p.4.
[53] JS1, recommendation j, p.13. See also, HRCM, para. 11 and recommendations.
[54] JS5, para. 3.5.
[55] For the full text of the recommendations, see A/HRC/16/7, para. 100.58 (France, Austria, New Zealand, Brazil).
[56] AI, p.1. See also, CHRI, paras. 11-12.
[57] JS1, para. 42.
[58] JS4, part 5, para. d.
[59] JS1, para. 42 and AI, p.2.
[60] AI, recommendations, p.4.
[61] GIEACPC, para. 2.2.
[62] HRCM, para. 5.
[63] HRCM, para. 5.
[64] ARC, section D, part a, para. 17, recommendation p.4.
[65] JS4, part 1, para.b.
[66] JS1, para. 41.
[67] HRCM, para. 20.
[68] JS4, p. 9, recommendations 3 and 4.
[69] HRCM, para. 17.
[70] CHRI para. 11.
[71] MDN, para. 39.
[72] JS1, para. 44.
[73] ARC, para. 6, recommendations, p.2.
[74] ARC, paras. 7-8, recommendation, p.2.
[75] ARC, para. 13, recommendation, p.3.
[76] HRCM, paras. 2-3 and recommendation.
[77] See submissions of AI, p. 2 and p. 4, ARC, part c, p. 3, CHRI, paras 6 and 9 and recommendations, pp. 1-3, CRIN, pp.1-4, HRCM, paras. 6-8 and 18-19, pp. 2-5, ISHR, parts 1, 4 and 6, pp.1-2, JS1, paras. 21-31, JS3, paras. 24-26 and TM, paras. 36-44.
[78] AI, p.2.
[79] AI, p.2.
[80] JS1, paras. 21-31, recommendation d, p.9.
[81] TM, paras. 38-39.
[82] TM, recommendations, paras. 42 and 44.
[83] ISHR, part 4, p.2.
[84] ISHR, part 2, p.1 and JS1, para. 29.
[85] TM, para. 37.
[86] MDN, para. 30. See also, TM, para. 14.
[87] See also, TM, para. 36.
[88] AI, p.2.
[89] CRIN, para. 17, recommendations.
[90] For the full text of the recommendations, see A/HRC/16/7, paras. 100.50 (Norway), 100.51 (Australia), 100.52 (Canada), 100.53 (France), 100.54 (France).
[91] CHRI, part E, recommendations 1-3.
[92] AI, p.1.
[93] ISHR, part 4, p.2.
[94] ECLJ, para. 4.
[95] JS5, para. 4.9.
[96] AI, p.3.
[97] JS3, para. 17.
[98] AI, p.3.

[99] AI, p.5.
[100] MDN, recommendation a, p.2.
[101] MDN, para. 33 and ECLJ, paras. 3-4. See also, MDN, para. 31.
[102] MDN, para. 36. See also, ECLJ.
[103] ECLJ, para. 12.
[104] JS3, para. 6.
[105] JS5, para. 4.4.
[106] JS5, para. 4.7. See also, JS3, para. 10.
[107] JS3, para. 11.
[108] MDN, para. 11.
[109] JS5, para. 4.6.
[110] JS3, para. 18.
[111] JS3, para. 19 and JS5, para. 4.6.
[112] CHRI, para. 17.
[113] JS3, para. 20.
[114] JS5, para 4.6.
[115] JS3, para 23.
[116] HRCM, para. 9.
[117] JS5, recommendation. para. 6.3 and para. 4.10.
[118] TM, paras. 24 and 26.
[119] For the full text of the recommendations, see A/HRC/16/7, paras. 100.22 (Brazil), 100.25 (Qatar), 100.34 (Bhutan), 100.35 (Sri Lanka), 100.36 (State of Palestine), 100.37 (Saudi Arabia), 100.103 (Slovenia) and 100.119 (Nigeria).
[120] TM, para. 21.
[121] ISHR, part 5.
[122] JS3, paras. 24 and 25.
[123] HRCM, para. 12.
[124] MDN, para. 17.
[125] CHRI, para. 15.
[126] JS5, recommendations, para. 6.4. See also, HRCM, paras. 11-12 and recommendations.
[127] HRCM, para. 13.
[128] JS5, paras. 2.9 and 2.10.
[129] JS5, para. 2.10 and MDN, para. 28.
[130] MDN, para. 27.
[131] JS5, recommendations, para. 6.1.
[132] HRCM, section on freedom of expression, paras. 9-10, recommendation, p.3. See also, JS5, recommendations, paras 6.2 and 6.3, ISHR, recommendations, part 6, CHRI, section D, recommendation 1, MDN, recommendations d and f, pp.3-4, TM, recommendations 15 and 25, AI, recommendations p.5.
[133] JS5, para. 2.12.
[134] TM, para. 17 and recommendation, para. 19.
[135] JS1, para. 31, p.9.
[136] TM, recommendations, paras. 11 and 29-30.
[137] For the full text of the recommendations, see A/HRC/16/7, paras. 100.45 (United Kingdom), 100.46 (Norway), 100.106 (Philippines).
[138] JS4, Section 2, part a, p. 2.
[139] JS1, para. 45.
[140] JS4, section 2, part a, p.2.
[141] JS4, section 2, part f, p. 3.
[142] JS4, section 2, recommendations 1-5, p. 4. See also, HRCM, paras. 20-22 and recommendations, p. 5.
[143] HRCM, para. 13 and recommendation.
[144] HRCM, para. 23.
[145] HRCM, para. 23.
[146] JS4, section 5, para. a.
[147] JS1, para. 43.
[148] HRCM, para. 15.

[149] JS4, section 5, recommendations 1-2, p. 7.
[150] HRCM, paras. 29 and 16 and recommendations.
[151] HRCM, para. 28 and recommendations.
[152] HRCM, para. 26. See also, para. 27.
[153] HRCM, recommendations, paras. 26-27.
[154] For the full text of recommendations, see A/HRC/16/7, paras. 100.30 (Mexico) and 100.49 (Qatar).
[155] JS2, paras. 1-79.
[156] JS2, para. 16, recommendation I, p.2.
[157] JS2, paras. 76-77.
[158] JS1, para. 18.
[159] HRCM, paras. 3 and 24. See also, JS1, para. 18.
[160] JS1, recommendation b, p.6.
[161] IM, para. 35.
[162] HRCM, para. 30 and recommendation. See also, CHRI, para. 5.